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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,150	11/06/2001	Scott P. Taylor	7784-000284	5279

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EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,150

Applicant(s)

TAYLOR, SCOTT P.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation "transmit the prioritized content via satellite communications to the content delivery system" in lines 7-8. This feature was not described in the original specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 2 and 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 10 recites the limitation “the link management system provides the policy algorithm with available mobile platforms” in lines 2-3 and 6-7, respectively. It is unclear what “the policy algorithm with available mobile platforms” referred to. According to the specification, the link management system 22 provides information as to which mobile platforms 20 are available to receive content 18 (see specification: page 6, [0018]). Thus, claims 2 and 10 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For the examining purposes, the examiner considers that the link management system provides information to mobile platform(s).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell (U.S. 6,741,841 B1).

Regarding claim 1, Mitchell discloses a system for distributing content to a mobile platform (e.g., aircraft) comprising:

- a database (within 222) containing rules for distributing of the content;
- a policy algorithm (within 222) in communication with the database;
- a content delivery system (230),

wherein the policy algorithm is executed to prioritize the content according to the rules from the database (manager 222 schedules the data for each of data services 215 or Internet

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210 on queue according to a pre-established priority. The manager 222 is pre-programmed to weigh and select data from the other data services or the selected web page, using a priority algorithm) and transmit the prioritized content via satellite communications to the content delivery system to control distribution of the content to the mobile platform (data is forwarded to center 230 to distribute to the aircraft via satellite 240 – see col. 18, lines 35-38 and 48-64; col. 18, lines 66 to col. 19, line 2; col. 23, lines 15-28 and figure 11).

Regarding claim 2, Mitchell discloses that a link management system (215) in communication with the policy algorithm (within 222), wherein the link management system (215) provides the policy algorithm with available mobile platforms (system 215 provides other data services to aircraft(s) via 222 – see col. 18, lines 44-48).

Regarding claim 3, Mitchell discloses that a plurality of buffers (within 230) in communication with the policy algorithm to provide bandwidth utilization (see col. 19, lines 12-18).

Regarding claim 4, Mitchell discloses that the database and policy algorithm (222) are located within a ground station in communication with the mobile platform (see col. 18, lines 35-40 and figure 11).

Regarding claim 5, Mitchell discloses that the ground control station is in communication with the mobile platform via satellite communication (via 240) (see figure 11).

Regarding claim 6, Mitchell discloses that the content comprises Internet web pages (see col. 18, line 66 to col. 19, line 2).

Regarding claims 7 and 8, Mitchell discloses that the content comprises audio/video data (see col. 17, lines 24-29).

Regarding claim 9, Mitchell discloses that the policy algorithm is stored in the database (within 222) (see col. 23, lines 15-20).

Regarding claim **10**, Mitchell discloses a system for distributing content to a mobile platform comprising:

- a database (within 222) containing rules for distributing of the content;

- a policy algorithm (within 222) in communication with the database;

- a link management system (215) in communication with the policy algorithm (within 222),

wherein the link management system provides the policy algorithm with available mobile platforms (system 215 provides other data services to aircraft(s) via 222 – see col. 18, lines 44-48);

- a plurality of buffers (within 230) in communication with the policy algorithm to provide bandwidth utilization (see col. 19, lines 12-18); and

- a content delivery system (230),

wherein the policy algorithm is executed to prioritize the content according to the rules from the database (manager 222 schedules the data for each of data services 215 or Internet 210 on queue according to a pre-established priority. The manager 222 is pre-programmed to weigh and select data from the other data services or the selected web page, using a priority algorithm) and transmit the prioritized content via satellite communications to the content delivery system to control distribution of the content to the mobile platform (data is forwarded to center 230 to distribute to the aircraft via satellite 240 – see col. 18, lines 35-38 and 48-64; col. 18, lines 66 to col. 19, line 2; col. 23, lines 15-28 and figure 11).

Regarding claim **11**, Mitchell discloses that the database and policy algorithm (222) are located within a ground station in communication with the mobile platform (see col. 18, lines 35-40 and figure 11).

Regarding claim **12**, Mitchell discloses that the ground control station is in communication with the mobile platform via satellite communication (via 240) (see figure 11).

Regarding claim **13**, Mitchell discloses that the content comprises Internet web pages (see col. 18, line 66 to col. 19, line 2).

Regarding claims **14 and 15**, Mitchell discloses that the content comprises audio/video data (see col. 17, lines 24-29).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ngoc K. Vu', with a long horizontal stroke extending to the right.

Ngoc K. Vu
Examiner
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March 7, 2005